

REFERENCE TITLE: **clean elections; complaint resolution**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2806

Introduced by
Representatives Gorman, Nichols, Rosati

AN ACT

AMENDING SECTION 16-957, ARIZONA REVISED STATUTES; RELATING TO THE CITIZENS CLEAN ELECTIONS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 16-957, Arizona Revised Statutes, is
4 amended to read:

5 16-957. Enforcement procedure

6 A. If the commission finds that there is reason to believe that a
7 person has violated any provision of this article, the commission shall serve
8 on that person an order stating with reasonable particularity the nature of
9 the violation and requiring compliance within fourteen days. During that period,
10 the alleged violator may provide any explanation to the commission,
11 comply with the order, or enter into a public administrative settlement with
12 the commission.

13 B. Upon expiration of the fourteen days, if the commission finds that
14 the alleged violator remains out of compliance, the commission shall make a
15 public finding to that effect and issue an order assessing a civil penalty in
16 accordance with section 16-942, unless the commission publishes findings of
17 fact and conclusions of law expressing good cause for reducing or excusing
18 the penalty. The violator has fourteen days from the date of issuance of the
19 order assessing the penalty to appeal to the superior court as provided in
20 title 12, chapter 7, article 6.

21 C. Any candidate in a particular election contest who believes that
22 any opposing candidate has violated this article for that election may file a
23 complaint with the commission requesting that action be taken pursuant to
24 this section. If the commission fails to make a finding under subsection A
25 of this section within thirty days after the filing of such a complaint, ~~the~~
~~candidate may bring a civil action in the superior court to impose the civil~~
~~penalties prescribed in this section~~ THE COMPLAINT IS DISMISSED AND NO
26 FURTHER ACTION OF THE COMMISSION IS REQUIRED. THE DISMISSAL IS FINAL AND
27 EFFECTIVE AT 5:00 P.M. ON THE THIRTIETH DAY AFTER THE FILING OF THE
28 COMPLAINT.

29 Sec. 2. Requirements for enactment: three-fourths vote

30 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
31 this act is effective only on the affirmative vote of at least three-fourths
32 of the members of each house of the legislature.